

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD C. EVERETT,
Plaintiff,

v.

C.D.C.R., et al.,
Defendants.

Case No. [18-cv-03617-DMR](#) (PR)

ORDER OF TRANSFER

Plaintiff, a state prisoner, has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Dkt. 1. On the same day the action was filed, the Clerk of the Court sent a notice directing Plaintiff to either pay the filing fee or file a completed prisoner's *in forma pauperis* ("IFP") application form. Dkt. 2. The Clerk also sent another notice informing Plaintiff that this action has been assigned to the undersigned Magistrate Judge.¹ Dkt. 3.

The acts complained of occurred at California State Prison - Sacramento, which is located in the Eastern District of California, and it appears that Defendants reside in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California.² The Clerk shall transfer the case forthwith.

¹ To date, Plaintiff has not yet returned the form indicating whether he consents to or declines magistrate judge jurisdiction in this action.

² Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

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If Plaintiff wishes to further pursue this action, he must complete the IFP application form required by the United States District Court for the Eastern District of California and mail it to that district.

All pending motions are TERMINATED on this court's docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: July 18, 2018



DONNA M. RYU
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD C. EVERETT,
Plaintiff,
v.
C.D.C.R.,
Defendant.

Case No. [4:18-cv-03617-DMR](#)

CERTIFICATE OF SERVICE

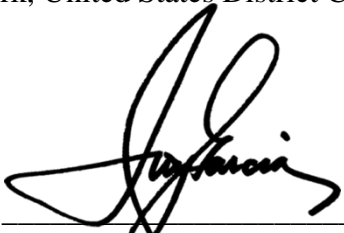
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 18, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard C. Everett ID: AF5392
P.O. Box 290066
Represa, CA 95671

Dated: July 18, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU